

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES ZILINSKY, GERALDINE ZILINSKY,)
CORY SIMPSON, MEGAN McGINLEY,)
SANDRA GARRETT DORSEY, BRIAN)
DERING, THERESA DERING, ALAN)
ARMSTRONG AND SANDY ARMSTRONG)
individually and on behalf of all others similarly)
situated,)

Plaintiffs,

vs.

LEAFFILTER NORTH, LLC,

Defendant.

CIVIL ACTION NO.
2:20-CV-6229-MHW-KAJ

JUDGE MICHAEL H. WATSON

**DEFENDANT LEAFFILTER NORTH,
LLC’S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE REPLY
IN FURTHER SUPPORT OF ITS
MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(b)(6) AND STRIKE
CLASS ALLEGATIONS PURSUANT TO
FED. R. CIV. P. 23(c)(1)(A)**

Defendant LeafFilter North, LLC (“Defendant”), by and through its undersigned counsel, respectfully moves this Court for a seven (7) day extension of time, up to and including June 17, 2021, to file its reply in support of its Motion for Partial Dismissal Pursuant to Fed. R. Civ. P. 12(b)(6) and Motion to Strike the Nationwide Class and Ohio Subclass Claims Pursuant to Fed. R. Civ. P. 23(c)(1)(A) (“Motion”) [Dkt. No. 29]. In support of this Motion, Defendant states as follows:

1. Defendants filed their Motion on April 29, 2021. The Motion sets forth various arguments and legal doctrines in support of dismissal certain counts of Plaintiffs’ claims and separately sets forth numerous legal grounds for why several of Plaintiffs’ proposed class claims are inappropriate for classwide treatment.

2. On May 17, 2021, Plaintiffs sought via an unopposed motion seven (7) days to respond to Defendant's Motion [Dkt. No. 32]. The Court granted Plaintiff's request for additional time on May 18, 2021 via Minute Entry.

3. On May 27, 2021, Plaintiffs filed their opposition to Defendant's Motion.

4. Defendant's current deadline to file its reply in further support of the Motion is June 10, 2021. Defendant seeks an additional seven (7) days to file its reply, up to and including June 17, 2021, to fully reply to the multitude of important issues to address with respect to the Motion and Plaintiffs' opposition.

6. Defendant's counsel reached out to Plaintiffs' counsel regarding this Motion on May 17, 2021. Plaintiffs stated that there was no objection to this brief extension of time.

7. Defendant makes this request in good faith and not to delay or hinder the proceedings before this Court.

WHEREFORE, Defendant respectfully requests that the Court grant it an extension of time up to and including June 17, 2021, to file its reply in support of its Motion for Partial Dismissal Pursuant to Fed. R. Civ. P. 12(b)(6) and Motion to Strike the Nationwide Class and Ohio Subclass Claims Pursuant to Fed. R. Civ. P. 23(c)(1)(A), and for any other relief the Court deems fit.

May 28, 2021

Respectfully submitted,

/s/ Trevor Covey

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Attorneys for Defendant LeafFilter North, LLC

CERTIFICATE OF SERVICE

The undersigned attorney certifies that, on May 28, 2021 a true and correct copy of *Defendant LeafFilter North, LLC's Unopposed Motion for Extension of Time to File Reply in Further Support of Its Motion for Partial Dismissal Pursuant to Fed. R. Civ. P. 12(b)(6) and Motion to Strike the Nationwide Class and Ohio Subclass Claims Pursuant to Fed. R. Civ. P. 23(c)(1)(A)* was electronically filed via the Court's CM/ECF system, which will serve notice of filing the aforementioned document on all counsel who has consented to receive service by electronic means.

/s/Trevor Covey